

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	CRIMINAL NO. 1:10-CR- 395
)	
v.)	Count 1: 18 U.S.C. § 875(c)
)	Communicating Threats
ZACHARY ADAM CHESSER,)	
)	Count 2: 18 U.S.C. § 373
Defendant.)	Soliciting Others to Threaten Violence
)	
)	Count 3: 18 U.S.C. § 2239B
)	Material Support to Terrorists

CRIMINAL INFORMATION

THE UNITED STATES ATTORNEY CHARGES THAT:

GENERAL ALLEGATIONS

1. The term “jihad” refers to struggle on behalf of Islam and Muslims. Individuals who engage in violent jihad are referred to as “mujahideen.” A single such individual is referred to as a “mujahid.” An individual who dies or is killed as a result of engaging in jihad is referred to as “shaheed,” that is, a martyr.

2. The term “kuffar,” meaning unbeliever, or disbeliever, refers to an individual who is not a Muslim.

3. The term “blog” is a truncated form of the term “web log,” and refers to a type of website or part of a website on the internet. Blogs are usually maintained by individuals, and contain regular entries of commentary, descriptions of events, and other material such as graphics and videos.

4. "Youtube.com" is a video-sharing website on which users can upload, share, and view videos.

5. Anwar Al-Awlaki is a dual citizen of the United States and Yemen, and an Islamic lecturer and spiritual leader, who was formerly affiliated with the Dar al-Hijra Mosque in Falls Church, Virginia. Pursuant to a Presidential Executive Order, Al-Awlaki was designated by the United States a "Specially Designated Global Terrorist" on July 12, 2010, because of his position as a leader of "al Qa'ida of the Arabian Peninsula" ("AQAP"), a Yemen-based terrorist group that had claimed responsibility for numerous terrorist acts against United States, Saudi, Korean and Yemeni targets since its inception in January 2009.

6. Al-Shabaab, also known as Shabaab, Harakat Shabaab al-Mujahidin, Mujahidin al-Shabaab Movement, "The Youth," Mujahideen Youth Movement, Mujahidin Youth Movement, and other names and variations (hereinafter, "al-Shabaab"), is the militant wing of the Somalia Council of Islamic Courts that has gained control of parts of Somalia by using guerrilla warfare and terrorist tactics against the Transitional Federal Government (TFG) of Somalia, and its allies, and African Union peacekeepers. On February 29, 2008, the United States Government designated al-Shabaab as a Foreign Terrorist Organization pursuant to Section 219 of the Immigration and Nationality Act. As a result of that designation, it was unlawful for United States citizens and persons subject to the jurisdiction of the United States to provide material support or resources to al-Shabaab.

7. In or about December 2009, the defendant, ZACHARY ADAM CHESSER, also known as Abu Talhah al-Amrikee and Abuu Talxah al-Amrikii (hereinafter, "CHESSER"), began to operate his own blog, titled "themujahidblog.com," describing it as "dedicated to those

who give their blood for [Islam]." CHESSER described the purpose of the blog as "primarily devoted to spreading knowledge regarding Jihad and the Mujahideen."

8. RevolutionMuslim.com is a website which contained Islamic postings and information supportive of violent jihad. CHESSER was an administrator of that website, and, as such, made postings to the site, responded to inquiries from other users, and reviewed and permitted postings on the site from others between February 2010 and April 2010.

9. "Ansar Al Jihad Network" is a website which contained Islamic postings and information. CHESSER posted numerous articles and comments on this website concerning violent jihad.

10. "Al Fallujah Islamic Forums," also known "Al-Faloja," is a website which contained Islamic postings and information. CHESSER posted on that website numerous articles, comments, and other material concerning violent jihad.

11. "AlQimmah" is a website that was the official web forum for al-Shabaab, and which contained Islamic postings and information. The "AlQimmah" website contains a "Home Page" that displays a symbol in the upper left corner of the screen, and the "Black Banner" commonly associated with the Mujahideen in the upper right corner. The home page includes information that is written in Somali, but contains a link to the website's "English Section." CHESSER posted on the AlQimmah website numerous articles, comments, and other material concerning violent jihad.

12. On or about May 13, 2009, CHESSER established a youtube.com website known as "AlQuranWaAlaHadeeth."

13. On or about December 14, 2009, CHESSER produced and uploaded to his AlQuranWaAlaHadeeth youtube.com website a video titled "Lion or Mouse," which depicted various Islamic references which were supportive of violent jihad.

14. On or about January 9, 2010, CHESSER posted a message to his themujahidblog.com website, titled "How to Help the Mujahideen," which concluded, "[a]nd perhaps most importantly, we have to actually go and fight against the disbelievers."

15. Between approximately January 20, 2010 and January 22, 2010, CHESSER uploaded to his AlQuranWaAlaHadeeth youtube.com website a recording of a lecture made by Anwar Al-Awlaki espousing participation in violent jihad.

16. On or about February 12, 2010, CHESSER established a youtube.com website known as "AQWAHProductions."

17. On or about February 2, 2010, CHESSER posted a video on his AlQuranWaAlaHadeeth Youtube.com website, of an attack by an improvised explosive device ("IED") on a military vehicle. The video showed a closeup shot of an individual mixing an explosive and a closeup shot of an IED being buried in the ground. The video then cut to a long-range shot of a winding mountain road. The camera focused on a spot in the road as two military vehicles approached. When the first vehicle reached the spot, an IED detonated. The detonation of the IED was replayed in the video several times.

18. On or about February 9, 2010, CHESSER posted a total of six videos, titled "The Mujahideen are Calling You," onto his AlQuranWaAlaHadeeth Youtube.com website. Those videos documented scenes from Afghanistan, and included footage showing United States Army helicopters in flight.

19. On or about March 7, 2010, CHESSER posted on his themujahidblog.com website an article titled "Open Source Jihad," which discussed a strategy mujahideen could use to elude capture and death while maintaining relevance and striking capability.

20. On or about June 8, 2010, CHESSER posted on the Al Fallujah Islamic Forums website a link to a video made by CHESSER which featured images of mujahideen in Somalia and a song sung by CHESSER, titled "America Tuta Fika," translated into English as "America, We Are Coming."

21. On or about June 17, 2010, CHESSER posted an article titled "Counter Counter Terrorism # 12 - Actually Leaving for Jihad" on the Ansar Al Jihad Network website, in which he stated that the "number one most important thing in countering the efforts of the kuffar is for you to leave for jihaad in the Path of Allah." The article included information concerning traveling to participate in violent jihad, including raising money, obtaining travel documents, selecting a destination, purchasing airline tickets, and "keeping a low profile."

22. On or about an unknown date, but some time before June 24, 2010, CHESSER drafted a one-page document titled "How to Destroy the West," which listed a number of points concerning violent jihad methods, including "attacks" on "personelle" [sic], "put[ting] out a message to the Muslims to go buy guns and kill soldiers," and "[filling] a tanker with explosives and Ricin."

23. On or about June 30, 2010, CHESSER posted to his AQWAHProductions youtube.com website a four part video titled "al-Shabaab-Preparation for the Battle-No Peace Without Islam," which depicted multiple training scenarios involving mujahideen in Somalia engaged in, among other activities, firearms exercises, physical fitness routines, and the creation of improvised explosive devices.

COUNT 1

COMMUNICATING THREATS

(18 U.S.C. § 875(c))

I. INTRODUCTION

1. The United States realleges and incorporates by reference the General Allegations of this Information as if set forth in full herein.

2. In 1989, Ayatollah Khomeini issued a fatwa calling for all good Muslims to kill Salman Rushdie for insulting Islam in the course of his book, *The Satanic Verses*. Rushdie has lived under guard or under heightened security ever since. Others connected with the publication of the book have been attacked, and his Japanese translator was murdered.

3. In 2005, the Danish newspaper Jyllands-Posten solicited and published 12 cartoons of the Muslim prophet Muhammad to show that Islam should be subject to the same standards as other religions in the press. Publication of the cartoons later was the subject of rioting in many parts of the world. Since publication of the cartoons, one of the cartoonists, Kurt Westergaard, has been the object of several murder plots as a result of his drawing Muhammad. In 2007, Swedish cartoonist Lars Vilks reportedly drew pictures of Muhammad, and later was the object of several murder plots as well.

4. Geert Wilders is a member of the Dutch Parliament who is particularly known for his criticism of Islam in the Netherlands, and his production of *Fitna*, a film exploring the motivations for terrorism in the Koran. He has lived under police protection for years as a result of threats against him for insulting Islam.

5. Theodoor "Theo" van Gogh was a Dutch film director who worked with Ayaan Hirsi Ali, a member of the Dutch Parliament who was born a Muslim in Somalia, to produce the film "Submission," about the treatment of women in Islam. On November 2, 2004, van Gogh was knifed to death in the street as he was riding his bicycle in Amsterdam by a Dutch-Moroccan Muslim who claimed that van Gogh and Hirsi Ali defamed Islam through their film; the killer left a note pinned to van Gogh's body asserting that Hirsi Ali would be killed next for defaming Islam.

6. "Comedy Central Channel" (hereinafter, "Comedy Central") is an American cable television and satellite television channel that is owned by a division of Viacom International Inc. One program carried by Comedy Central is titled "South Park."

7. "South Park" is an animated situation comedy program created, written and directed by individuals referred to herein as "TP." and "MS." South Park specializes in satirical humor that lampoons a wide range of topics.

8. On April 14, 2010, Comedy Central broadcast an episode of South Park that featured a character in a bear costume, who various other characters stated was Muhammad.

II. THE CHARGE

9. Between on or about April 15, 2010, and July 21, 2010, within Fairfax County in the Eastern District of Virginia and elsewhere, defendant ZACHARY ADAM CHESSER did knowingly and unlawfully transmit in interstate and foreign commerce communications by Internet postings containing threats to injure the person of another, to wit, TP, MS, and the individual described below as JG, in connection with the broadcast of an episode of South Park and JG's participation in a group on Facebook, as more particularly described below.

**III. MANNER AND MEANS OF THE DISTRIBUTION
OF THE THREATENING COMMUNICATIONS**

10. On or about April 15, 2010, using the screen name Abu Talhah Al-Amrikee, CHESSER posted on the RevolutionMuslim.com and themujahidblog.com websites the following statements, photos, and audio clips:

A. CHESSER's assertion that the South Park episode "went beyond showing [Muhammad], but it outright insulted him . . . by showing him in a bear suit. . . ."

B. The following photograph (redacted here to obscure the faces of bystanders) which depicted a murdered, partially decapitated, Theodoor "Theo" van Gogh, with two knives impaled in his torso:



C. CHESSER's statement that "We have to warn [MS and TP] that what they are doing is stupid and they will probably wind up like Theo Van Gogh for airing this show. This is not a threat, but a warning of the likely reality of what will likely happen to them. Maybe they have not listened to this lecture before."

D. audio clips of a sermon by Anwar Al-Awlaki, titled "The Dust Will Never Settle Down," calling for the assassination of anyone who has "defamed" Muhammad, saying, "Harming Allah and his messenger is a reason to encourage Muslims to kill whoever does that."

E. the addresses of Comedy Central in New York, a production company associated with South Park in Los Angeles, California, and a link to a 2009 Huffington Post article that gave details of a residence shared by TP and MS in Colorado; and

F. CHESSER's statement that his readers should "pay them a visit."

11. On or about April 16, 2010, CHESSER posted on the Ansar Al Jihad Network the materials he posted the previous day on the RevolutionMuslim.com and themujahidblog.com websites.

12. On or about April 18, 2010, CHESSER produced and posted on the AlQimmah website, his AlQuranWaAlaHadeeth youtube.com website, and his themujahidblog.com website, a video titled "Defense of the Prophet Campaign." The video was narrated by CHESSER, and contained:

A. statements by CHESSER regarding the South Park episode that featured a character in a bear costume, who various other characters stated was Muhammad;

B. the audio of a speech by Anwar Al-Awlaki, explaining the Islamic justification for killing those who insult or defame Muhammad,

C. photographs of TP, MS, van Gogh, Hirsi Ali, and others who have been publically targeted for death for insulting Muhammad and/or Islam, including Salman Rushdie, Geert Wilders, Kurt Westergaard, and Lars Vilks.

13. On or about April 21, 2010, CHESSER posted the video titled "Defense of the Prophet Campaign" to the the Ansar Al Jihad Network website.

14. On or about April 22, 2010, CHESSER responded to inquiries about the possibility that TP and MS could be murdered by stating, "It's not a threat, but it really is a likely outcome. They're going to be basically on a list in the back of the minds of a large number of Muslims. It's just the reality."

15. On or about April 22, 2010, CHESSER uploaded to the Ansar Al Jihad Network and to the RevolutionMuslim.com website a posting titled "Clarifying the South Park Response and Calling on Others to Join in the Defense of the Prophet Muhammad (Peace Be Upon Him)- RevolutionMuslim.com." The post explained the Islamic law requiring the killing of those who curse Muhammad, and closed with the statement that, "As Osama bin Laden said with regard to the cartoons of Denmark, 'If there is no check in the freedom of your words, then let your hearts be open to the freedom of our actions.'"

16. On April 20, 2010, an artist in Washington State drew a cartoon declaring May 20, 2010, to be the first annual "Everybody Draw Mohammed Day," with the explanation that:

In light of the recent veiled (ha!) threats aimed at the creators of the television show South Park . . . by bloggers on Revolution Muslim's website, we hereby deem May 20, 2010, as the first "Everybody Draw Mohammed Day!" Do your part to both water down the pool of targets *and*, oh yeah, defend a little something our country is famous for (but maybe not for long? Comedy Central cooperated with terrorist and pulled the episode) the first amendment.

17. Shortly thereafter, an "Everybody Draw Mohammed Day" page was created on Facebook. As of May 17, 2010, the page had tens of thousands of members or visitors who pledged to participate in the event.

18. On or about May 15, 2010, CHESSER posted to the AlQimmah website a news article he titled "Home of Lars Vilks Firebombed – Kafir News" regarding the firebombing of the home of Lars Vilks that day, as well as an attack on him at a lecture earlier that week.

19. On or about May 17, 2010, CHESSER obtained the contact information for at least nine individuals on Facebook who joined the "Everybody Draw Muhammad Day" group, including an individual from Florida identified here as JG.

20. On or about May 18, 2010, CHESSER posted to the same thread on the Ansar Al Jihad Network that already contained his Defense of the Prophet Campaign posting and the related postings described above, the personal contact information he had obtained from Facebook for eleven individuals who joined the "Everybody Draw Muhammad Day" Group on Facebook, including JG, along with the statement, "Just a place to start."

21. On or about June 20, 2010, CHESSER posted to the AlQimmah website audio clips of a sermon by Anwar Al-Awlaki, titled "The Dust Will Never Settle Down," calling for the assassination of anyone who has "defamed" Muhammad, saying, "Harming Allah and his messenger is a reason to encourage Muslims to kill whoever does that."

22. In light of the recent history of attacks and attempted attacks against individuals alleged to have defamed or insulted Islam or its prophet, the postings on the internet by CHESSER objectively constituted messages to an audience that likely included individuals around the world who - -

- A. Were inclined to engage in violent jihad against what they believed to be the enemies of Islam;
- B. Understood the messages to constitute requests to attack MS, TP, and JG; and
- C. Could potentially be willing and capable to attack MS, TP, and JG in response to those messages.

(All in violation of Title 18, United States Code, Section 875(c).)

COUNT 2

**SOLICITING OTHERS TO ENGAGE IN VIOLENT OR
THREATENING FELONY CONDUCT**

(18 U.S.C. § 373)

I. INTRODUCTION

1. The United States Attorney realleges and incorporates by reference the General Allegations of this Information as if set forth in full herein.

II. THE CHARGE

2. Between on or about June 8, 2010, and July 21, 2010, in Fairfax County in the Eastern District of Virginia and elsewhere, defendant ZACHARY ADAM CHESSER, with intent that another person engage in conduct constituting a felony that has as an element the use, attempted use or threatened use of physical force against the person of another in violation of the laws of the United States listed below, and under circumstances strongly corroborative of that intent, did knowingly and unlawfully solicit, induce, and otherwise endeavor to persuade others to engage in such conduct. In particular, CHESSER urged others to leave suspicious packages that looked like package bombs in public places but that were otherwise harmless, to desensitize the public and law enforcement authorities to the threat of actual package bombs, as described below, in violation of 18 U.S.C. § 1992(a)(2), (a)(9), & (a)(10); and 18 U.S.C. § 1038.

III. MANNER AND MEANS OF THE SOLICITATION

3. On or about January 19, 2010, CHESSER posted a link on his themujahidblog.com website to the entire United States Transportation Security Administration manual titled,

“Aviation Security Screening Management Standard Operating Procedures.” This link remained accessible on themujahidblog.com until approximately mid-April 2010. That manual set forth standard operating procedures used at airports located in the United States regarding the screening and inspection of individuals, accessible property, and checked baggage to deter, detect, and prevent the carriage of any unauthorized explosive, incendiary, or weapon onboard an aircraft or into a secure area.

4. On or about June 4, 2010, CHESSER posted on the Al Fallujah Islamic Forums website a link titled “200 plus books on various beneficial subjects,” which he further described as “books on Jihad, Islam and Warfare,” and in which, under a section titled “Preparation,” he included a book, titled “Guerilla Air Defense, Antiaircraft Weapons and Techniques for Guerrilla Forces” containing, among other items, information on the construction of antiaircraft missiles, and tactics, techniques and weapons for targeting aircraft, including jet airplanes and helicopters.

5. On or about June 8, 2010, CHESSER posted to the AlQimmah website and to the Al Fallujah Islamic Forums website a link to an article titled “Jihadi Calls for ‘Suspicious Bags’ To Be Left Throughout DC and NYC,” with the statement that “it should be noted that the article mentions that this type of thing *has* actually been successful.” The article reported that an internal FBI report warned federal, state, and local authorities to be alert for a potential new tool in the jihadi terror arsenal - the placing of suspicious, but harmless, bags in public places to inspire fear, disrupt public transportation and tie up police and bomb squads.

6. On or about June 9, 2010, CHESSER posted on the AlQimmah website a link to 200 books on Jihad, Islam and Warfare, and in which, under a section titled “Preparation,” he included a book, titled “Guerilla Air Defense, Antiaircraft Weapons and Techniques for Guerrilla

Forces” containing, among other items, information on the construction of antiaircraft missiles, and tactics, techniques and weapons for targeting aircraft, including jet airplanes and helicopters.

7. On or about June 15, 2010, CHESSER posted a message on the Al Fallujah Islamic Forums website titled “Desensitizing Federal Agents,” in which CHESSER explained how conducting “fake” operations, by leaving suspicious packages resembling (but which were not, in fact) bombs in public places, so as to “desensitize” law enforcement officials in their efforts to detect and disarm explosive devices, would be of great benefit to the mujahideen. In that message CHESSER explained that, after law enforcement had become sufficiently “desensitized” to the possible danger of such packages, they would be vulnerable to a real explosive. CHESSER ended his message with the words, “Boom! No more kuffar.”

(All in violation of Title 18, United States Code, Section 373.)

COUNT 3

**MATERIAL SUPPORT TO A DESIGNATED
TERRORIST ORGANIZATION**

(18 U.S.C. § 2339B)

I. INTRODUCTION

1. The United States Attorney realleges and incorporates by reference the General Allegations of this Information as if set forth in full herein.

II. THE CHARGE

2. Beginning on a date unknown and continuing through at least on or about July 10, 2010, within Fairfax County in the Eastern District of Virginia and elsewhere, the defendant, ZACHARY ADAM CHESSER, also known as Abu Talhah al-Amrikee and Abuu Talxah al-Amrikii, did knowingly and unlawfully provide and attempt to provide material support and resources, as that term is defined in Title 18, United States Code, Section 2339A(b), to wit, personnel, both individually and through recruitment of other personnel, publicity, and training, to a foreign terrorist organization, namely al-Shabaab, in that, as more particularly described below, CHESSER: (A) attempted to travel to Somalia to fight for, and at the direction of, al-Shabaab; and, (B) posted material related to violent jihad, and its tactics, on the internet for, and at the instruction of, al-Shabaab.

III. MANNER AND MEANS OF THE MATERIAL SUPPORT

In order to provide, and attempt to provide, material support and resources to a foreign terrorist organization, as alleged above, CHESSER took the following actions, among others:

3. In November 2009, CHESSER attempted to leave the United States and travel to Somalia for the purpose of joining al-Shabaab and engaging in violent jihad. He ultimately postponed his trip because his wife could not obtain her passport from her mother, who possessed the passport but refused to release it to her because she feared that her daughter would use it to travel to Somalia. Subsequently, CHESSER's wife gave birth to a child, and she could not travel.

4. On or about May 13, 2010, CHESSER posted on the AlQimmah website Parts 1 – 7 of the Counter Counter Terrorism series, made as separate posts tandem to each other.

5. On or about May 30, 2010, CHESSER posted on the AlQimmah website a video titled "Do the Mujahidiin in Somalia Really Kill Civilians?"

6. On or about May 31, 2010, CHESSER posted on the AlQimmah website a video titled "Raid on The HQ of Apostasy – The Rule Is Only For Allah," showing an attack by Al-Shabaab on government building in Mogadishu.

7. On June 6, 2010, CHESSER instructed his wife falsely to deny knowledge of his planned travel to Somalia to join al-Shabaab if she was questioned about him by law enforcement authorities, and instead to assert that he went to Uganda to pick up her birth certificate.

8. On or about June 9, 2010, CHESSER posted on the AlQimmah website a link titled "200 plus books on various beneficial subjects," which he further described therein as "books on Jihad, Islam and Warfare," and which, under a section titled "Preparation," contained, among other items, four sections of what CHESSER described as the "Al Qaeda Manual," setting forth instructions concerning such subjects as "Communications," "Transportation," "Security,"

“Weapons Acquisition and Storage,” “Guidelines for Beating and Killing Hostages,” and “Espionage,” all in support of violent jihad.

9. On or about June 9, 2010, CHESSER posted on the AlQimmah website a video titled “Munaafiq Of Parliament Exposes AMISOM As True Killer Of Non-Combatants In Somalia,” regarding the killing and mishandling of civilians by African Union troops in Somalia.

10. On or about June 15, 2010, CHESSER posted on the AlQimmah website a video entitled “Hizbul Islam Merges with Al-Shabaab in Beledweyne Alxamdulillah,” regarding the merger of Al-Shabaab with another organization.

11. On or about June 28, 2010, CHESSER posted on the AlQimmah website an article he wrote titled “Raising Al-Qaaida: A Look into the Long Term Obligation of the Global Jihad Movement,” which highlighted the need to teach children to love jihad and aspire to be mujahideen, and stated that “[w]hile we might currently be at war with America, this does not stop us from looking into the success they [the Americans] had in building their ideology and learning from it.”

12. On or about July 9, 2010, CHESSER and his wife left their home in Virginia and drove with their infant son to a hotel in Maryland, where they spent the night, in preparation for CHESSER’s bringing his son with him on a flight from New York to Uganda to make it appear less likely that CHESSER was actually continuing on to Somalia to join al-Shabaab and engage in violent jihad. CHESSER brought with him a video camera with which he intended to make production quality videos for al-Shabaab’s propaganda campaign.

13. On or about July 10, 2010, CHESSER and his wife drove with their infant son from their hotel in Maryland to John F. Kennedy International Airport in New York, where CHESSER

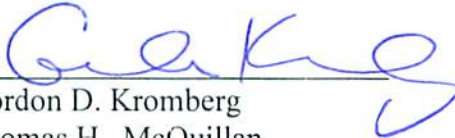
attempted to board a flight with service to Uganda with his infant son, so that CHESSER could ultimately make his way to Somalia, join al-Shabaab and engage in violent jihad.

(All in violation of Title 18, United States Code, Section 2339B.)

Neil H. MacBride
United States Attorney

John T. Gibbs
Trial Attorney
United States Department of Justice

By:


Gordon D. Kromberg
Thomas H. McQuillan
Assistant United States Attorneys